

03.03.2025
11-12.
Ct No. 28
SG
[Rejected]

C. R. M. (A) 1791 of 2024

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure read with Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Suti Police Station Case No. 63 of 2023 dated 23.01.2024 under Sections 420/406/409 of the Indian Penal Code (G.R. No. 258 of 2024).

And

In Re: **Dildar Hossain.**

... .. Petitioner

Mr. Pratip Kumar Chatterjee, Sr. Adv.
Mr. Mihir Kundu,
Ms. Maitrayee Chatterjee.

...for the petitioner

Mr. Madhusudan Sur, Id. A.P.P.
Ms. Sonali Bhar.

....for the State

Mr. Imran Hossain Layek,
Ms. Monami Mukherjee.

...for the de facto complainant

With

C. R. M. (A) 1798 of 2024

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure read with Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Suti Police Station Case No. 114 of 2024 dated 18.02.2024 under Sections 420/406/409 of the Indian Penal Code(G.R. No. 483 of 2024).

And

In Re: **Dildar Hossain.**

... .. Petitioner

Mr. Pratip Kumar Chatterjee, Sr. Adv.
Mr. Mihir Kundu,
Ms. Maitrayee Chatterjee.

...for the petitioner

Mr. Dhiraj Trivedi, Id. DSGI
Mr. Uttam Basak,
Ms. Swapna Jha.

..... for the U.O.I.

Mr. Rudradipta Nandy,
Mr. Sobhan Gani.

...for the State

Mr. Imran Hossain Layek,
Ms. Monami Mukherjee.

...for the de facto complainant

1. Petitioner is one of the office bearers of a Multi-State Cooperative Society. In the FIR it is alleged petitioner in collusion with office bearers had misappropriated the deposits made by its members. Learned Counsel for the petitioner contends any dispute with regard to affairs of the society require to be referred to arbitration under Section 84 of the Multi-State Cooperative Societies Act, 2002. He also submits his client is a manager of one of the branches of the society and not responsible for the alleged irregularities in the running of the affairs of the society as a whole. It is also contended the *de facto* complainant has been repaid. Accordingly, he prays for anticipatory bail.

2. In light of the aforesaid submission, the State and the Central Government were directed to submit report with regard to the affairs of the multi state cooperative society. Deputy Solicitor General has submitted a report from the office of the Registrar of Cooperative Society. In the report it is stated balance sheet of financial year 2022-2023 shows a sum of Rs.143,14,28,410/- as deposits from members. Chairman of the Society was called upon to submit report with regard to outstanding dues payable to depositors. On enquiry we are informed no such report has been submitted by the Chairman divulging the corpus of outstanding liabilities.

3. Given this situation, we are of the opinion deep and pervasive investigation with regard to affairs of the Multi-State Cooperative Society and its branches including that of the petitioner is necessary to unravel the scope and ambit of irregularities and defalcation of members' deposits.

4. Seen from this perspective, repayment to few of the depositors including the *de facto* complainant is of little relevance.

5. Bearing in mind the cascading exposure and wrongful loss caused to depositors due to crime committed by office because of the co-operative society including the petitioner and the necessity for his custodial interrogation to unravel the ramifications of the crime quantum of loss of the members and recovery of misappropriated money, we are of the opinion this is not a fit case to grant anticipatory bail.

6. Applications for anticipatory bail being C. R. M. (A) 1791 of 2024 and C. R. M. (A) 1798 of 2024 are, thus, rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)